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12-3-02  
JL

Docket No.: 57810-033

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of :  
Nobuhiko HAYASHI, et al. :  
Serial No.: 10/084,050 : Group Art Unit: 2812  
Filed: February 28, 2002 : Examiner: D. Le  
For: NITRIDE-BASED SEMICONDUCTOR ELEMENT AND METHOD OF FORMING  
NITRIDE-BASED SEMICONDUCTOR

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**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
Washington, DC 20231

Sir:

In the Office Action dated October 2, 2002, the Examiner imposed a Restriction Requirement pursuant to 35 U.S.C. §121, requiring election of one of the following:

Group I. Claims 1 through 11 directed to a device; or

Group II. Claims 12 through 28 directed to a method.

In response, Applicants elect to prosecute claims 1 through 11 directed to a device (Group I). Favorable consideration of claims 1 through 11 is respectfully solicited.

Applicants also solicit rejoinder of non-elected method claims 12 through 28, upon the determination of an allowable device claim, pursuant to the provisions of MPEP§821.04.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including

extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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**Date: November 26, 2002**